

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN SELECT
INSURANCE CO., *et al.*,

Plaintiffs,

Case No. 23-cv-11942
Hon. Matthew F. Leitman

v.

GREAT LAKES WATER
AUTHORITY, *et al.*,

Defendants.

/

ORDER ON STATUS CONFERENCE

On October 19, 2023, the Court held an on-the-record status conference in this action to discuss Plaintiffs' First Amended Complaint and Defendants City of Detroit's and Detroit Water and Sewerage Department's motion for an extension of time to respond to the First Amended Complaint. (*See* Mot., ECF No. 19.) During the conference, all Defendants took the position that Plaintiffs' First Amended Complaint fails to state a viable claim.

For the reasons explained during the status conference, the Court **DIRECTS** all counsel to conduct a substantive meet and confer by no later than **October 27, 2023**. During this meet and confer, counsel for the Defendants shall identify for counsel for Plaintiffs any and all alleged deficiencies in the First Amended Complaint. Following the meet and confer, and in any event by no later than the

close of business on **October 30, 2023**, counsel for Plaintiffs shall file a notice in this action indicating whether Plaintiffs intend to file a Second Amended Complaint.

The Court does not anticipate allowing Plaintiffs another opportunity to amend to add factual allegations that they could now include in a Second Amended Complaint. Simply put, this is Plaintiffs' opportunity to amend their allegations to cure any alleged deficiencies that Defendants identify in their claims during the meet and confer.

If Plaintiffs indicate in their notice that they intend to file a Second Amended Complaint, Plaintiffs shall file that pleading no later than **November 20, 2023**. Defendants shall then answer or otherwise respond to the Second Amended Complaint by no later than **December 11, 2023**.

If Plaintiffs indicate in their notice that they do not intend to file a Second Amended Complaint, Defendants shall answer or file their motions challenging the sufficiency of Plaintiffs' allegations in the First Amended Complaint by no later than **November 20, 2023**.

Finally, the Court **TERMINATES** Defendants City of Detroit's and Detroit Water and Sewerage Department's motion for an extension of time (ECF No. 19) as **MOOT** in light of the schedule set forth above.

IT IS SO ORDERED.

Dated: October 19, 2023

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 19, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126